

**ASSEMBLY BILL**

**No. 259**

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**Introduced by Assembly Member Calderon**

February 4, 2003

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An act to add Section 243.88 to the Penal Code, relating to battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as introduced, Calderon. Battery: anger management.

Existing law proscribes and punishes the crime of battery, including battery committed on school or park property and battery committed against sports officials, as specified.

This bill would provide, in addition, that a spectator at a public recreation facility who commits a battery against any individual officiating for or participating in a sport or recreation activity held at the facility shall be required to take up to 12 hours of anger management classes. By changing the penalty of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 243.88 is added to the Penal Code, to  
2 read:

3 243.88. (a) A spectator at a public recreation facility who  
4 commits a battery against any individual officiating for or  
5 participating in a sport or recreation activity held at the facility  
6 shall be required to take up to 12 hours of anger management  
7 classes.

8 (b) For the purposes of this section, the following terms have  
9 the following meanings:

10 (1) “Battery” includes, but is not limited to, the throwing of  
11 articles in a deliberate or aggressive manner and the physical  
12 striking of another individual.

13 (2) “Recreation” means any voluntary activity which  
14 contributes to the education, entertainment, or cultural, mental,  
15 moral, or physical development of the individual, group, or  
16 community that attends, observes, or participates. “Recreation”  
17 includes, but is not limited to, any activity in the fields of art,  
18 athletics, drama, habitat conservation, handicrafts, literature,  
19 music, nature study, open-space conservation, science, sports, and  
20 any formal or informal play that includes these activities.

21 (3) “Recreation facility” means an area, place, structure, or  
22 other facility under the jurisdiction of a public agency that is used  
23 either permanently or temporarily for community recreation, even  
24 though it may be used for other purposes. “Recreation facility”  
25 includes, but is not limited to, an arts and crafts room, auditorium,  
26 beach, camp, community center, golf course, gymnasium, lake,  
27 meeting place, open space, park, parkway, playground, playing  
28 court, playing field, recreational reservoir, river, and swimming  
29 pool. A “recreation facility” may be owned or operated jointly by  
30 public agencies.

31 (4) “Spectator” means a person not on the field of play at a  
32 public recreation facility, and includes a person officiating or  
33 participating in a sport or recreation activity held at the facility if  
34 that person commits a battery after leaving the field of play.

35 (b) The punishment provided by this section for the offense  
36 described in subdivision (a) shall be in addition to, and not in lieu  
37 of, any other punishment prescribed for that offense.

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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